

**United States Department of Interior
Bureau of Land Management
Coos Bay District**

Categorical Exclusion Review (CX)

DOI-BLM-OR-128-2009-0001-CX

Date: October 8, 2008

A. Background

Project: Sudden Oak Death (SOD) Treatment

Location: Various Locations throughout the Myrtlewood Resource Area, Coos Bay District; generally within Curry County, Oregon.

Project Description:

The Coos Bay District would perform vegetation treatments for the treatment of the Sudden Oak Death pathogen *Phytophthora ramorum* on all infected plants and eradication zones identified by agency Forest Pathologists. Treatment of up to 250 acres could potentially be accomplished under this CX. The eradication zone would include vegetation to be cut and burned that is located at least 300 feet from the nearest infected plant, but could increase to larger distances based on direction from pathologists as they continue to learn more about the disease and continue to adapt accordingly.

Initial treatment would require all tanoaks, regardless of size, to be felled and all understory brush and fern species to be cut. The primary target cut species would be limited to tanoak, evergreen huckleberry, and rhododendron when it does not conflict with safe burn operations. Conifers up to 16 inch diameter could be cut when needed to aid in falling tanoaks safely or in order to facilitate safe burn operations. Conifers that are cut would not be removed from the site. Cut material would be hand or machine piled with follow-up pile burning or cut and broadcast burned after curing. Piled material would include foliage, branches, limbs, and stems up to an 8 inch diameter. Hand-piles would be piled at least 15 feet from large conifer logs, stumps, and snags when possible. In areas where tanoak and brush is overtopped by a closed canopy of conifer or in young conifer plantations, then tanoak, rhododendron, and evergreen huckleberry could possibly be cut with no piling or burning to follow. All infected brush and infected tanoak trees would have the entire stem cut and piled in addition to the limbs and foliage. Hand-piles would be constructed at least 10 feet from fish-bearing streams when possible.

Broadcast burning would be the preferred method on larger sites, but it is likely that the majority of the treatment areas would receive pile and burn treatments. The use of broadcast burning could be more difficult to plan on due to the many interdependent variables that affect that type of operation including location, slope, aspect, unit size, shape, adjacent ownership, defensible burning boundaries, fuels, fire danger levels, weather, access, and the urgency for treatment as prescribed by Pathologists. The objective in burning would be to achieve complete consumption of all foliage and material under 4 inch diameter within the eradication zone. Tanoak stems that are between 4 and 8 inches in diameter would require at least ¼ inch of the stem to be charred on all surfaces when burning. All vegetation that is identified as positive for the infection would be burned in its entirety.

Treatment of the sites using heavy equipment would be considered when operationally feasible. Use of excavators could potentially be used on slopes less than 35% for piling of cut material. Feller/bunchers could be used for cutting and piling on slopes greater than 35%, provided the growth-loss effect is insignificant and compacted areas involve less than 12 percent of the treatment area. Operations would be limited to dry soil conditions to limit compaction. Temporary access routes would be allowed to be constructed for equipment to gain access from the road. All access routes would be rehabilitated after treatment was completed.

Four foot wide access trails may be installed to facilitate repeated entries into SOD treatment sites and firetrails would be constructed as needed for burning. Follow-up treatments could entail cutting, piling, and burning re-

sprouts in successive years until the site is identified as disease free whereupon planting of Douglas-fir seedlings would be initiated.

Some treatments may occur in riparian areas along stream channels. Therefore, a temporary reduction in stream shade could occur at some sites. To prevent stream sedimentation, heavy equipment would not be used within 20 feet of stream channels.

There would be no removal of suitable murrelet habitat or Northern spotted owl nesting, roosting, or foraging (NRF) habitat. Project Design Criteria (PDC) for marbled murrelets and Northern spotted owls would be followed as prescribed on specific treatment sites. All of the new infection or buffer treatment areas to be treated on BLM would be reviewed by the appropriate resource specialists and evaluated for appropriate level of consultation needs with U.S. Fish and Wildlife and National Marine Fisheries Service prior to the start of operations.

Additional Project Design Features include:

- Heavy equipment would be cleaned in accordance with the District Noxious Weed Policy.
- Cultural resource specialist will be consulted during project design phase.
- When working adjacent to streams, the project activity will be subject to State of Oregon Administrative Rule No. 340-108, Oil and Hazardous Materials Spills and Releases, that specifies the reporting requirements, cleanup standards, and liability that attaches to a spill, release, or threatened spill or release involving oil or hazardous substances.

B. Land Use Plan Conformance Review: This project is tiered to and in conformance with the *Coos Bay District Resource Management Plan/Final Environmental Impact Statement* (USDI BLM 1994) and its *Record of Decision*, as supplemented and amended, (USDI BLM 1995) and the *Final Supplemental Environmental Impact Statement (FSEIS) on Management of Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan [NFP])* (USDA/USDI 1994) and its *Record of Decision* (USDA/USDI 1994a).

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Manage timber stands to reduce the risk of stand loss from fires, animals, insects, and diseases (page 52).

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 C(9):

(9) Commercial and non-commercial sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than 0.5 miles of temporary road construction. Such activities: (a) May include removal of infested/infected trees and adjacent live uninfested/uninfected trees as determined necessary to control the spread of insects or disease; and (b) May include incidental removal of live or dead trees for landings, skid trails, and road clearing. (c) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and (d) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

Examples include, but are not limited to: (a) Felling and harvesting trees infested with mountain pine beetles and immediately adjacent uninfested trees to control expanding spot infestations; and (b) Removing or destroying trees infested or infected with a new exotic insect or disease, such as emerald ash borer, Asian longhorned beetle, or sudden oak death pathogen.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed and none of the extraordinary circumstances described in 516 DM 2 Appendix 2 apply.

A summary of the extraordinary circumstances is listed below. The action must have a significant or a disproportional adverse effect on the listed categories to warrant further analysis and environmental review.

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION	YES	NO
The proposed categorical exclusion action will:		
2.1 Have significant impacts on public health or safety.		X
Rationale: All proposed activities follow established Occupational Safety and Health Administration rules concerning health and safety. The project is in remote, forested locations outside of population centers.		
2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
Rationale: The project area is outside of unique areas such as: parks, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; or national monuments. The project areas are typically small and scattered throughout the watershed which should not have significant impacts on migratory birds.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: Based on past experience, this type of project is not highly controversial and is in fact the preferred type of treatment proposed by the State to control the spread of sudden oak death disease. The ROD/RMP established management direction to reduce the risk of loss of timber stands from disease; as such, there are no unresolved conflicts regarding other uses of these resources.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: Past experience from this type of activity has shown no highly uncertain, potentially significant, unique or unknown risks.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: The Field Office BLM has conducted similar actions throughout the targeted area for several years. This project is similar to that for conversion of tanoak stands, which has been analyzed in an environmental assessment in 2003. That analysis resulted in a finding of no significant impact (FONSI). There has been no additional no evidence that a project of this type has potentially significant environmental effects.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: This type of action has been assessed to be included in the BLM's list of categorical exclusions, which by definition "do not individually or cumulatively have a significant effect on the human environment." This project is similar to that for conversion of tanoak stands, which has been analyzed in an environmental assessment in 2003. That analysis resulted in a finding of no significant impact (FONSI). There has been no additional no evidence that a project of this type has potentially significant environmental effects		

2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
Rationale: No properties listed or eligible for listing, on the National Register of Historic Places are located within the areas proposed for treatment.		
2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
Rationale: The project area typically does not alter habitat suitability for northern spotted owl or marbled murrelet. Some of the proposed units may be within marbled murrelet critical habitat; however, habitat impacts would be minimal. Project would be consistent with consultation recommendations with the US Fish & Wildlife Service and National Marine Fisheries to minimize effects on listed species.		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: The proposed action conforms to the direction given for the management of public lands in the ROD/RMP, which complies with all applicable Federal, State, local and tribal laws.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: Projects of this type are commonly conducted by contractor crews which employ low income or minority populations.		
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
Rationale: BLM would conduct cultural resources inventories prior to implementing the proposed action. If cultural resources are found within a unit through pre-disturbance inventories or during implementation of the proposed action, appropriate measures would be applied to avoid impacts. The proposed action would not limit the use of or the physical integrity of Indian sacred sites on Federal lands.		
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X
Rationale: The proposed action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or non-native invasive species in or from the project area. Vehicles accessing the project area would stay on existing roads or be washed prior to entering the project area; thereby reducing the potential of picking up and dispersing noxious weeds or seed. The proposed action does not introduce any vector for spread or introduction beyond such vectors already found.		

D. Signature

Authorizing Official:

Field Manager:

Paul T. Hamagan

Date: *10-29-08*

E. Contact Person

For additional information concerning this CX review, contact Steven Fowler; District Planning & Environmental Coordinator; Coos Bay District Office; 1300 Airport Lane; North Bend, OR 97459.

Specialist Review sign-off list.

<u>Extraordinary Circumstances</u>	<u>Applies</u> (Yes/No)	<u>Comments¹ and Source²</u>	<u>Initials</u>	<u>Date</u>
(1) Health & Safety	No			
Hazardous Materials	No	Reviewed by Hazardous Materials Coordinator;	<u>PS</u>	<u>10/21/08</u>
(2) Unique Resources	No	Reviewed by Port-Orford Cedar Coordinator	<u>g/a</u>	<u>10/22/08</u>
(3) Controversial Effects	No			
(4) Risks	No			
(5) Precedent	No			
(6) Cumulative	No			
(7) Cultural & Historic	No	Reviewed by Archaeologist	<u>SPB</u>	<u>10-27-08</u>
(8) T & E Species	No	Reviewed by Wildlife Biologists, Fisheries, and Botanist	<u>KP</u> <u>WJH</u> <u>JB</u>	<u>10-27-08</u> <u>10/22/08</u> <u>10/23/08</u>
(9) Violate Laws	No			
(10) Environmental Justice	No	Reviewed by Environmental Justice Coordinator	<u>SPB</u>	<u>10/23/08</u>
(11) Native American Religious Concerns	No	Reviewed by District Native American Coordinator	<u>SPB</u>	<u>10/23/08</u>
(12) Noxious Weeds	No	Reviewed by Noxious Weed Coordinator	<u>GA</u>	<u>10/14/08</u>

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Decision Record for Categorical Exclusion

Decision:

It is my decision to implement treatments to control the spread of sudden oak disease as described in DOI-BLM-OR-128-2009-0001-CX. This action is conducted in conjunction with other agencies such as the Oregon Department of Forestry and the SW Insect and Disease Center of the US Forest Service.

Decision Rationale:

The proposed action meets the criteria for the categorical exclusion 516 DM 11.9 (C) Forestry (9) for commercial and non-commercial sanitation harvest of trees to control insects or disease. As documented in the attached Categorical Exclusion, DOI-BLM-OR-128-2009-0001-CX, none of the "extraordinary circumstances" in DM 516 2, Appendix 2, apply. Further, the action is in conformance with the *Coos Bay District Record of Decision and Resource Management Plan* (May 1995) as amended.

Administrative Remedies:

Notice of this forest management decision will be published in the 11/4/2008 edition of the World newspaper and posted on the Coos Bay District website at <http://www.blm.gov/or/districts/coosbay/plans/index.php>. This decision is subject to protest by the public. To protest this decision, a person must submit a written protest to Mark Johnson, Coos Bay District Manager, 1300 Airport Lane, North Bend, OR, 97459 by close of business (4:30 P. M.) on 11/19/2008. The protest should clearly and concisely state the reasons why the design or the decision to go forward with the sample tree falling project is believed in error. If a timely protest is received, this decision will be reconsidered in light of the statements of reasons for the protest and other pertinent information available, and a final decision will be issued which will be implemented in accordance with 43 CFR 5003.

Signature of Authorizing Official:



Field Manager

Date: 10-29-08